

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court
Southern District of Texas

FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

DEC 01 2014

Clerk of Court

United States of America

v.

Gerardo PENA-Camacho

MX

YOB 1962

Case No.

m-14-2268-m

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 11/29/2014 in the county of Hidalgo in the Southern District ofTexas, the defendant violated 31 U. S. C. § 5332

, an offense described as follows:

With intent to evade a currency reporting requirement, knowingly concealed more than \$10,000 in U.S. currency in a conveyance and attempted to transport such currency from a place within the United States to a place outside the United States

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.Approved
J SzNathan Stoltz
Complainant's signatureNathan Stoltz, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 12/01/2014Dorina Ramos
Judge's signatureCity and state: McAllen, TexasDorina Ramos, U.S. Magistrate Judge
Printed name and title

Attachment "A"

On November 29, 2014, at approximately 1700 hours, a silver Honda Accord displaying MX license plate SSH8510 attempted to exit the United States through the Pharr, Texas Port of Entry (POE). The driver was identified as Gerardo PENA-Camacho. The passenger was identified as Maria GUTIERREZ-Munoz, PENA's common-law wife. The U.S. Customs and Border Protection – Office of Field Operations (CBP-OFO) Officer received a negative declaration for monetary instruments in excess of \$10,000 and referred the Accord to secondary for further inspection. In secondary, a CBP-OFO K-9 Officer searched the Accord with his assigned human and narcotics detector dog (HNDD), resulting in an alert to the firewall and wheel well.

An X-Ray inspection was performed on the Accord which revealed anomalies in the firewall and dash area. Further inspection revealed 30 packages of U.S. currency concealed in a lead-lined man-made compartment in the firewall. A preliminary count of the U.S. currency revealed approximately \$300,060.

At approximately 1830 hours, U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigation, McAllen, Texas (HSI McAllen) Special Agent (SA) N. Stoltz arrived at the Pharr POE to conduct interviews with PENA and GUTIERREZ and initiate an investigation.

SA Stoltz advised GUTIERREZ of her Miranda rights in the Spanish language. GUTIERREZ acknowledged that she understood her rights orally and in writing. GUTIERREZ requested the presence of an attorney and all questioning was terminated.

SA Stoltz advised PENA of his Miranda rights in the Spanish language. PENA acknowledged that he understood his Miranda rights orally and in writing. PENA made the following non-verbatim statements: PENA knew he was smuggling U.S. currency out of the U.S. and knew it was the proceeds of illegal activity, but did not know what type of illegal activity. An unknown individual (FNU LNU) made contact with PENA several months ago and asked him if he would go to Houston and return with an undisclosed amount of currency, and PENA would be paid 20,000 Mexican Pesos. PENA agreed. PENA crossed in the Accord on November 1, 2014, after being instructed to do so by FNU LNU. PENA drove the Accord to Houston, Texas where he met with two (2) unknown individuals who drove away in the Accord and returned it the next day. PENA then drove the Accord to Monterrey, Nuevo Leon, Mexico with an undetermined amount of currency and dropped the Accord off at a location determined by FNU LNU. On November 28, 2014, PENA again crossed in the Accord and drove to a Super 8 Motel in Houston, Texas. PENA met with two (2) different unknown individuals who drove away in the Accord and returned it later that night. PENA then attempted to drive the Accord back to Monterrey, Nuevo Leon, Mexico with the approximately \$300,060. PENA stated GUTIERREZ had no knowledge of the currency.

SA Stoltz contacted Assistant United States Attorney (AUSA) T. Trevino and informed her of the facts regarding the case. AUSA T. Trevino advised that federal prosecution would be accepted on PENA.